

Executive Summary

The Federal Law Enforcement Wireless Users Group (FLEWUG) respectfully requests the Commission to entertain the attached Petition for Reconsideration and Clarification (Petition) of the Commission's First Report and Order. In its Petition, the FLEWUG asks the Federal Communications Commission (the "Commission") to clarify amended Section 2.103(b) of the Commission's rules, which now allows co-equal access to Federal Government entities under certain conditions to the channels in the 764-776 MHz and 794-806 MHz band.

This Petition also requests reconsideration and modification of the First Report & Order in regards to several issues. The FLEWUG takes issue with the conclusion reached regarding the regional planning approach, as modified by the First Report and Order, for the assignment of licensees for that portion of the 700 MHz band designated in the band plan for general use. The FLEWUG believes the proposed modifications are not sufficient to address the limitations of the regional planning process nor is the process as set forward for engaging the 700 MHz Regional Planning Committees (RPCs) adequate.

The FLEWUG also takes issue with the Commission's decision to maintain the existing boundaries for regions unless the process as in the First Report & Order is exercised. This decision will perpetuate known problems and continue to result in spectrum management decisions that frustrate efforts to build wide area systems. The

FLEWUG now believes that defining regional boundaries along state lines is essential for the effective use of the 700 MHz band.

The FLEWUG questions the Commission's decision to continue to rely on an inter-regional concurrence process, as modified, as the means for ensuring sufficient coordination between regions. The FLEWUG believes that the proposed modifications are not adequate and that a formal dispute mediation process is required to ensure resolution of region-to-region disputes as well as intra-region disagreements.

The FLEWUG emphasizes that funding for the regional planning process is a problem that the Commission needs to resolve. The FLEWUG believes the lack of funding is a long-standing limitation that curtails the efficacy of the RPCs and the regional planning process. The FLEWUG notes that the Commission has increased the responsibilities of RPCs and the importance of the regional planning process in performing a crucial aspect of the Commission's public management responsibility for spectrum. The Commission has done so without addressing the lack of funding, and thus has exasperated this issue. The FLEWUG believes the Commission should fund the operations of each RPC.

In regards to the National Coordination Committee (NCC), the FLEWUG believes that, in order to maximize efficient use of the 700 MHz band, the NCC needs to be a stronger entity than the listed responsibilities will allow. More specifically, the FLEWUG believes that the NCC should be given oversight and decision-making authority as a part

of its major responsibilities. It should also be given the same responsibility for the general use spectrum as it has been given for the interoperability spectrum. The NCC membership should include representatives from the NTIA, the FLEWUG, and the PSWN program. Further, the NCC should not be required or endeavor to become accredited by the American National Standards Institute (ANSI). The record does not support this decision and no comments were sought on this matter. In addition, existing accredited bodies, such as the Telecommunication Industry Association, should be employed to avoid duplication and to maximize efficiency.

The FLEWUG also wishes to express its support for the development and use of a common coordinator database for use in formulating frequency recommendations. The FLEWUG believes such a database is reasonable, achievable, and appropriate given the current state of database technology, the essential need for accurate and consistent frequency information, and the increased need for the timeliness of this information created by heightened competition among the coordinators.

The FLEWUG also believes that there is no need to defer to the NCC the issue of receiver standards. Further, the FLEWUG recommends that the long-standing, well-established receiver standard provisions, as employed by the National Telecommunications and Information Administration (NTIA), as established by TIA, and as adopted by both the user and vendor communities—should be adopted immediately.

Finally, the FLEWUG takes issue with the amendment to Section 90.531 of the Commission's rules, Band Plan that allows mobile-to-base station transmissions in both the upper and lower segments of the new spectrum. The FLEWUG believes that allowing mobile-to-base station transmissions in the upper segment of the new spectrum (794-806 MHz) exacerbates possible interference problems in the Global Navigation-Satellite System (GNSS) band (1559-1605 MHz). The FLEWUG recommends limiting the 794-806 MHz band to base station-to-mobile transmissions.